

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MICHAEL J.M.,

Plaintiff,

8:23-cv-683 (BKS/CFH)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**Appearances:**

*For Plaintiff:*

Howard D. Olinsky  
Olinsky Law Group  
250 South Clinton Street - Suite 210  
Syracuse, NY 13202

*For Defendant:*

Carla Freedman  
United States Attorney  
Fergus J. Kaiser, Special Assistant United States Attorney  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff filed this action under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security's denial of his applications for Disability Insurance Benefits, and Supplemental Security Income. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Christian F. Hummel for a Report-Recommendation. (Dkt. No. 5); Local Rule 73.2(d). On August 19, 2024, after reviewing the parties' briefs, (Dkt. Nos. 11, 13, 14), and the Administrative Transcript, (Dkt. No. 7), Magistrate Judge Hummel issued a Report-

Recommendation recommending that Plaintiff's motion for judgment on the pleadings be granted; and that the Commissioner's decision be reversed and remanded for further administrative proceedings. (Dkt. No. 15). Magistrate Judge Hummel advised the parties that under 28 U.S.C. § 636(b)(1), they had "14 days within which to file written objections" to the Report-Recommendation and that "failure to object to th[e] report within 14 days will preclude appellate review." (Dkt. No. 15 at 19 (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e)). No objections were filed.

The Court reviews de novo those portions of the Magistrate Judge's findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.* Neither of the parties has raised any objection to Magistrate Judge Hummel's Report and Recommendation. The Court has reviewed the Report-Recommendation for clear error and found none.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 15) is **ADOPTED** in all respects; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED**; and it is further


**ORDERED** that Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **DENIED**; and it is further

**ORDERED** that the Commissioner's decision is **REVERSED** and **REMANDED** for

further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

Dated: September 16, 2024  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge